



May 7, 1999

Ms. Gail L. Allan  
Director of Administration and Northern Legal Services  
Texas Water Development Board  
P.O. Box 13231  
Austin, Texas 78711-3231

OR99-1251

Dear Ms. Allan:

You ask whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 124191.

The Texas Water Development Board (the "board") received a request for access to loan application materials in the possession of the board relating to the Comal County Freshwater Supply District No. 1. You claim that the submitted information is protected from disclosure by section 552.107 of Government Code. We have considered the exception you claim and have reviewed the information at issue.

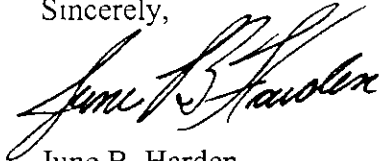
Section 552.107(1) excepts information that an attorney cannot disclose because of a duty to his client. In Open Records Decision No. 574 (1990), this office concluded that section 552.107 excepts from public disclosure only "privileged information," that is, information that reflects either confidential communications from the client to the attorney or the attorney's legal advice or opinions; it does not apply to all client information held by a governmental body's attorney. *Id.* at 5. When communications from attorney to client do not reveal the client's communications to the attorney, section 552.107 protects them only to the extent that such communications reveal the attorney's legal opinion or advice. *Id.* at 3. In addition, basically factual communications from attorney to client, or between attorneys representing the client, are not protected. *Id.*

You explain that the submitted documents are communications between board attorneys and staff members that were made in the course of providing legal services to the Agency. We have reviewed your arguments and the submitted information. We agree that most of the

information at issue may be withheld under section 552.107. Some of the information, however, does not reveal confidential client communications or an attorney's legal advice or opinions. We have marked the information that is not protected by section 552.107 and must be released to the requestor.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "June B. Harden", written in a cursive style.

June B. Harden  
Assistant Attorney General  
Open Records Division

JBH/ch

Ref.: ID# 124191

encl. Marked documents

cc: Mr. David Lewis Steed  
DLS Associates  
107 Ranch Road 620 South #8-F  
Austin, Texas 78734  
(w/o enclosures)